

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/20/2021

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
ANTONIO CAPOLONGO,

Plaintiff,

-against-

CYNTHIA BRANN and PATSY YANG,

Defendants.
-----X

21-CV-1469-VEC-SDA

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 19, 2021, the Court granted Plaintiff 30 days to pay \$402 in filing fees or file an *in forma pauperis* (“IFP”) application and prisoner authorization (Dkt. 2);

WHEREAS on May 18, 2021, the Court granted Plaintiff IFP status pending Plaintiff’s payment of the \$402 in fees and submission of a signed IFP application within 30 days (Dkt. 8);

WHEREAS, on June 21, 2021, Plaintiff paid \$180.56 of the required fees;

WHEREAS on September 13, 2021, the Court ordered Plaintiff to show cause in writing by October 15, 2021, why this action should not be dismissed for failure to pay the remaining fees or to move for IFP status (Dkt. 10);

WHEREAS on September 20, 2021, Plaintiff paid \$10.00 of the required fees;

WHEREAS on October 6, 2021, Plaintiff paid \$221.44 of the required fees; and

WHEREAS, Plaintiff has not responded to the Court’s September 13, 2021, order to show cause but, as of October 6, 2021, has paid his filing fee in full; and

WHEREAS Plaintiff was only required to pay \$402 in filing fees but has paid \$412;

WHEREAS the Court is “obligated to afford a special solicitude to *pro se* litigants, *Tracy v. Freshwater*, 623 F.3d 90, 101 (2d Cir. 2010); *see also Erichson v. Pardus*, 551 U.S. 89, 94 (2007) (pleadings by *pro se* litigants should be “liberally construed”);

IT IS HEREBY ORDERED THAT, because Plaintiff has paid his filing fees in full, the case may proceed. The Clerk of Court is respectfully directed to issue a summons as to Defendant Yang, to send it and an information packet to Plaintiff at Washington Correctional Facility, 72 Lock Eleven Lane, P.O. Box 180, Comstock, NY 128210, and to note mailing on the docket. If Plaintiff, because of his finances or the circumstances of his incarceration, is not able to serve Defendant Yang, Plaintiff is directed to file a letter with the Court explaining this.

IT IS FURTHER ORDERED THAT the Court, by separate order, will refer this matter to the assigned Magistrate Judge for general pretrial management and to provide a report and recommendation on any dispositive motions.


IT IS FURTHER ORDERED THAT the Court’s Finance Department is respectfully directed to refund Plaintiff the \$10 he overpaid in filing fees. Plaintiff is directed to send a letter to the Finance Department at 500 Pearl Street, New York, NY 10007, Attn: Finance Department, indicating to what address his refund should be sent.

IT IS FURTHER ORDERED THAT the Clerk of Court is respectfully directed to mail a copy of his order to the Plaintiff at Washington Correctional Facility, 72 Lock Eleven Lane, P.O. Box 180, Comstock, NY 128210 and to note mailing on the docket. Plaintiff is also reminded that it is his obligation to keep the Court updated on his current address.

IT IS FURTHER ORDERED THAT the Clerk of Court is respectfully directed to transmit this order to the Finance Department.

SO ORDERED.

Date: October 20, 2021
New York, NY



VALERIE CAPRONI
United States District Judge